



Senate

General Assembly

File No. 82

February Session, 2002

Substitute Senate Bill No. 120

Senate, March 21, 2002

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SCARRING AND DISFIGUREMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury and not later than two years from the date of the injury or the
8 surgery date of the injury, may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, after such earnings have been
11 reduced by any deduction for federal or state taxes, or both, and for
12 the federal Insurance Contributions Act made from such employee's
13 total wages received during the period of calculation of the employee's

14 average weekly wage pursuant to said section 31-310, but not more
 15 than one hundred per cent, raised to the next even dollar, of the
 16 average weekly earnings of production and related workers in
 17 manufacturing in the state, as determined in accordance with the
 18 provisions of section 31-309, for up to [two hundred eight] one
 19 hundred four weeks, for any permanent significant disfigurement [of,]
 20 or permanent significant scar [on, (A) the face, head or neck, or (B) on
 21 any other area of the body which handicaps the employee in obtaining
 22 or continuing to work. The commissioner may not award
 23 compensation under this subsection when the disfigurement was
 24 caused solely by the loss of or the loss of use of a member of the body
 25 for which compensation is provided under subsection (b) of this
 26 section or for any scar resulting from an inguinal hernia operation or
 27 any spinal surgery] that causes disfigurement of any area of the body.
 28 In making any award under this subsection, the commissioner shall
 29 consider (1) the location of the scar or disfigurement, (2) the size of the
 30 scar or disfigurement, (3) the visibility of the scar or disfigurement due
 31 to hyperpigmentation or depigmentation, whether hypertrophic or
 32 keloidal, (4) whether the scar or disfigurement causes a tonal or
 33 textural skin change, causes loss of symmetry of the affected area or
 34 results in noticeable bumps or depressions in the affected area, and (5)
 35 other relevant factors. [Notwithstanding the provisions of this
 36 subsection, no compensation shall be awarded for any scar or
 37 disfigurement which is not located on (A) the face, head or neck, or (B)
 38 any other area of the body which handicaps the employee in obtaining
 39 or continuing to work.] In addition to the requirements contained in
 40 section 31-297, the commissioner shall provide written notice to the
 41 employer or its representative prior to any hearing held by the
 42 commissioner to consider an award for any scar or disfigurement
 43 under this subsection.

This act shall take effect as follows:	
Section 1	October 1, 2002

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - Cost	Correction, Dept.	105,000 to 139,000	148,000 to 197,000
GF - Cost	Workers' Comp. Claims-Admin. Serv. Dept.	70,000 to 94,000	99,000 to 133,000
GF - Cost	Mental Retardation, Dept.	58,000 to 77,000	81,000 to 109,000
GF - Cost	Mental Health & Addiction Serv., Dept.	29,000 to 38,000	40,000 to 54,000
GF - Cost	Children & Families, Dept.	23,000 to 30,000	32,000 to 43,000
GF - Cost	Public Safety, Dept.	15,000 to 21,000	22,000 to 29,000
TF - Cost	Workers' Comp. Claims-Admin. Serv. Dept.	19,000 to 25,000	27,000 to 36,000
WCF - Cost	Workers' Compensation Com.	Minimal	Minimal
Second Injury Fund - Cost	Treasurer	94,000 to 188,000	125,000 to 250,000

Note: GF=General Fund; TF=Transportation Fund; WCF=Workers' Compensation Fund

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
STATE MANDATE - Cost	All Municipalities	See Below	See Below

Explanation

This bill results in costs to the state and municipalities as employers and is a State Mandate on municipalities. It results in costs to the state's Second Injury Fund and in minimal costs to the Workers' Compensation Commission. The bill allows compensation for scarring and disfigurement of any area of the body, not just the face, head or neck, or other area of the body which limits the employee in obtaining

or continuing to work. It is estimated that this expansion of benefits would result in a 1.5% to 2% increase in total workers' compensation costs.

However, the bill also reduces, from 208 weeks to 104 weeks, the maximum period a person can receive workers' compensation benefits for permanent significant disfigurement or scarring. This is estimated to reduce the costs by 50%, resulting in a total increase of 0.5% to 1%.

The total cost to the state's General Fund is estimated from \$299,000 to \$399,000 in FY 03 and from \$423,000 to \$564,000 in FY 04. The cost to the state's Transportation Fund is estimated from \$19,000 to \$25,000 in FY 03 and from \$27,000 to \$36,000 in FY 04. The cost to the state's Second Injury Fund is estimated from \$94,000 to \$188,000 in FY 03 and from \$125,000 to \$250,000 in FY 04.

The bill also results in an increase in the number of cases before the Workers' Compensation Commission, which is expected to result in minimal additional costs that can be absorbed within existing appropriations.

OLR Bill Analysis

sSB 120

AN ACT CONCERNING SCARRING AND DISFIGUREMENT**SUMMARY:**

This bill reduces, from 208 to 104 weeks, the maximum period for which a person can receive workers' compensation benefits for permanent significant disfigurement or scarring. At the same time, it permits compensation for a broader range of injuries. Under current law, benefits are only available if the disfigurement or scarring is on (1) the worker's face, head, or neck or (2) another area of the body and handicaps the worker from obtaining or continuing to work. Benefits are not allowed for (1) disfigurement that is solely caused by the loss of a body part for which specific benefits are provided or loss of the use of such a part or (2) scarring that results from any spinal surgery or from an operation on a groin hernia. Under the bill, permanent significant disfigurement or permanent significant scarring that causes disfigurement of any area of the body is eligible for benefits.

The bill also allows the workers' compensation commissioner to provide written notice to an employer's representative, as an alternative to notice to the employer itself, on claims for benefits for disfigurement or scarring.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Related Bill***

SB 271, "An Act Providing Workers' Compensation Benefits for Certain Nonscheduled Injuries" favorably reported by the Labor and Public Employees Committee, allows workers' compensation commissioners to award compensation for injuries to body parts other than those specifically listed in the statutes.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute
Yea 9 Nay 5